IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4364 of 2003
Date of Decision: 21.4.2009

Asra Trading and Finance Private Limited and another

.....Petitioners

Versus

Madan Lal and others .....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Shri Adarsh Jain, Advocate, for the petitioners.

HEMANT GUPTA, J (Oral).

The challenge in the present revision petition is to the order dated 14.8.2003, whereby an application filed by the plaintiff-petitioners for amendment of the plaint so as to insert Para No. 18-A, was declined.

The learned trial Court declined such application on the ground that the trial has commenced and, therefore, the petitioners cannot be permitted to seek amendment in the plaint, in terms of the amended provisions of the Order 6 Rule 17 CPC.

The said reasoning given by the learned trial Court is not tenable. In fact, Section 16(2)(b) of the Civil Procedure (Amendment) Act, 2002 (Act No. 22 of 2002), contemplates that the provisions of Order 6 Rule 17 CPC, shall not apply in respect of any pleadings filed before the

commencement of Section 16 of the Code of Civil Procedure (Amendment) Act, 1999 and Section 7 of the Act No. 22 of 2002. In the present case, the suit was filed in the year 1999. Therefore, the pleading in respect of which the petitioner has sought amendment, was filed prior to the commencement of the amendment with effect from 1.7.2002.

In view of the aforesaid fact, the reasoning given by the learned trial Court is not sustainable in law.

Consequently, the impugned order passed by the learned trial Court is set aside. The plaintiff-petitioners are permitted to amend the plaint as prayed for. The learned trial Court is directed to decide the suit expeditiously.

(HEMANT GUPTA)
JUDGE

21.4.2009
ds